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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/715,694	11/17/2000	Ching-Chang Shen	TI-31777	8554

7590 12/24/2003

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EXAMINER

LEJA, RONALD W

ART UNIT	PAPER NUMBER
2836	

DATE MAILED: 12/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/715,694

Applicant(s)

SHEN, CHING-CHANG

Examiner

Ronald W Leja

Art Unit

2836

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 27 October 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on 26 November 2003. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Page 2.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: _____

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____

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Advisory Action

Ronald W. Leja
Ronald W Leja
Primary Examiner
Art Unit: 2836

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Applicant's arguments presented on 10/27/03 are not persuasive and have little probative value. It is first noted that in the fourth paragraph on Page 2 of the Response, Applicant refers to "the capacitor directly coupled across the drains ...", it is believed that Applicant had intended "the comparator directly coupled across the drains of said first FET and the second FET". Essentially Applicant alleges that it would not have been obvious to eliminate the diode and low pass filter from the embodiment of Szepesi, since doing so would change the operation of the circuit of Szepesi. No other supporting statements have been offered. There is no discussion as to whether not having the diode and low pass filter is critical to Applicant's invention. It is noted that dependent Claim 12 even adds the comparator has "filtering out of any transient current spikes through said first FET". The present Examiner has given full faith and credit to the previous Examiner's work and is in agreement with the position taken in the Final Rejection of 9/10/03. The previous Examiner had cited In re Karlson, 136 USPQ 184 wherein it has been held that omission of an element and its function in a combination where the remaining elements perform the same functions as before involves only routine skill in the art. In the instant case, deletion of a diode used for "decoupling" and deletion of a low pass filter (LPF) used for filtering out of any transient current spikes would not have affected the overall intended function of the circuit combination. One of ordinary skill would have realized that the loss of a forward diode voltage drop would have to be taken into account for circuit

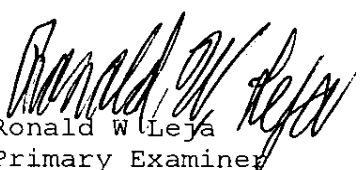
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performance, by deleting the diode from the output of the FET. The deletion of the diode and (LPF) does not change the overall operation of the circuit of Szepesi, it just allows for intended operation with possible spurious transient conditions being involved with some of the signals. The deletion of the components would have been obvious as a means of, if not for a real space conservation, then for at least decreasing the cost of the design by having fewer parts and lowering assembly time.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald W Leja whose telephone number is (703) 308-2008. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on (703) 308-3119. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.


Ronald W Leja
Primary Examiner
Art Unit 2836

rwl
December 20, 2003

12/20/03